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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/059,538	01/29/2002	Dale Knoop	1799	5786

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KSOPHT0101-Z2100  
OVERLAND PARK, KS 66251-2100

EXAMINER
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PHAN, HUY Q

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/06/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/059,538

Applicant(s)

KNOOP, DALE

Examiner

Huy Q. Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01/24/2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11, 18-22, 24 and 25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 18-22, 24 and 25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This Office Action is in response to Amendment filed on date: 01/24/2007.

Claims 1-11, 18-22, 24 and 25 are still pending.

Claims 12-17 and 23 are cancelled.

### ***Response to Arguments***

2. Applicant's arguments, see REMARKS, have been fully considered but they are not persuasive.

a) Applicant argued, with respect to the rejection of claims 1-11 and 18-21, that "a choice of programs, not a choice of transmission modes, and the set of choices is not tailored based on at least one presentation capability of the terminal". The examiner respectfully disagrees with the applicant's arguments. Gourraud discloses a program list including a plurality of selected programs, which are provided by a plurality of content providers (see [0014] and fig. 7). More specifically, Gourraud discloses each of the content providers having at least one given type of media programs such as for example movies ("video" for "view"), songs ("audio" for "listen"), etc. (see [0013]) and the user can select the program to be viewed [0041] based on presentation capability of the terminal ("at least one", which is an alternative phrase. Therefore, the reference need only show "view" as the presentation capability of the terminal). Since, applicant specifies "a transmission mode" as "video only, audio only" (see applicant's specification page 9), it is interpreted a choice of programs as a choice of transmission mode. Thus, Gourraud discloses claimed limitation of "the set of choices is tailored based on at least

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one presentation capability of the wireless handset; and receiving a list of available media contents wherein all media content in the list of available media content is compatible with the indicated transmission mode and therefore capable of presentation on the wireless handset and receiving from a user a selection of one of the media content in the list of available media content”.

b) Applicant argued, with respect to the rejection of claims 22, 24 and 25, that “Gourraud does not disclose a list of permissible transmission modes that is tailored to the presentation capabilities of the wireless handset”. The examiner respectfully disagrees with the applicant’s arguments. Same as cited above, Gourraud discloses that each of the content providers having at least one given type of media programs such as for example movies (“video” for “view”) songs (“audio” for “listen”), etc (see [0013]) and the user can select a program from a program list (PL 103) to be viewed [0041] based on presentation capability of the terminal (“at least one”, which is an alternative phrase. Therefore, the reference need only show “view” as the presentation capability of the terminal). Gourraud also particularly discloses that the program list containing a plurality of programs, which are provided by a plurality of content providers (see fig. 7). Since, applicant specifies “a transmission mode” as “video only, audio only” (see applicant’s specification page 9), it is interpreted a program list as a list of permissible transmission modes. Thus, Gourraud discloses claimed limitation of “a list of permissible transmission modes that is tailored to the presentation capabilities of the wireless handset”.

With all the reasons stated above, the rejection is deemed proper and still stands.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

I) Claims 1-11 and 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mosher (US-2002/0099790, previously cited) in view of Gourraud (US-2003/0079020, previously cited).

Consider claim 1, Mosher discloses a method of selecting a transmission mode for streaming media content to a wireless handset (figures 3A-3G, 5 and 6, and paragraphs 0015 and 0034-0040), the method comprising:

presenting on the wireless handset a set of choices indicating transmission modes for streaming media content to the wireless handset (figures 3A-3G, and paragraphs 0058, 0062-0077, 0091, 0104, 0113, 0122-0124, 0252, and 0277);

receiving from a user of the wireless handset an indication of a transmission mode selected from the set of choices (figures 3A-3G, and paragraphs 0058, 0062-0077, 0091, 0104, 0113, 0122-0124, 0252, and 0277);

sending from the wireless handset to a media server an indication of the selected transmission mode (figures 3A-3G, and paragraphs 0058, 0062-0077, 0091, 0104, 0113, 0122-0124, 0252, and 0277); and

receiving into the wireless handset media content streamed from the media server at the selected transmission mode (figures 3A-3G, and paragraphs 0058, 0062-0077, 0091, 0104, 0113, 0122-0124, 0252, and 0277). But, Mosher does not specifically disclose that the set of choices is tailored based on at least one presentation capability of the wireless handset; and receiving a list of available media contents wherein all media content in the list of available media content is compatible with the indicated transmission mode and therefore capable of presentation on the wireless handset and receiving from a user a selection of one of the media content in the list of available media content. However in analogous art, Gourraud teaches receiving the set of choices is tailored based on at least one presentation capability of the wireless handset ("viewed or listened" see [0032] and [0038]); and receiving a list of available media contents wherein all media content in the list of available media content is compatible with the indicated transmission mode (fig. 7 see [0038]-[0044]) and therefore capable of presentation on the wireless handset and receiving from a user a selection of one of the media content in the list of available media content ([0038]-[0044]); therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Mosher as taught by Gourraud because "the end-user always downloads selected programs from the content provider through the service provider" and "for the provision of various types of multimedia content to the end-user. It would

be also practical to have a network model that avoids the occurrence of bandwidth bottlenecks at the level of any node of the network, including at the level of the service provider. Furthermore, it would be convenient to provide the end-user with increased flexibility for accessing and viewing, or listening to, the selected programs” see [0004]-[0011]).

Consider claims 2, 3, and 8, and as applied to claim 1 above, Mosher, as modified by Gourraud, discloses:

sending the set of choices from the media server to the wireless handset (figures 3A-3G, and paragraphs 0058, 0062-0077, 0091, 0104, 0113, 0122-0124, 0252, and 0277); and

the media server establishing the set of choices to send to the wireless handset using a type of media content (figures 3A-3G, and paragraphs 0058, 0062-0077, 0091, 0104, 0113, 0122-0124, 0252, and 0277).

Consider claims 4-7 and 9-11, and as applied to claims 1 and 3 above, Gourraud further discloses sending from the wireless handset to the media server a capability indication for the wireless handset, wherein sending a capability indication further comprises sending from the wireless handset to the media server an indication of a make and model of the wireless handset (e.g., SIP INVITE message), wherein the capability indication indicates the at least one presentation capability, and wherein the at least one presentation capability defines a capability of a media player application, is

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selected by the user, and includes a plurality of presentation capabilities (fig. 7 see [0038]-[0044]); and the media server using the capability indication as a basis to establish the set of choices to send to the wireless handset (fig. 7 see [0038]-[0044]).

Claims 18-21 are similarly rejected from the same reasons explained in detail above for claims 1-11.

Consider claim 22, method for streaming media content to a wireless handset (figures 3A-3G, 5 and 6, and paragraphs 0015 and 0034-0040), the method comprising:

determining a list of permissible transmission modes for a selected media content choice (figures 3A-3G, and paragraphs 0058, 0062-0077, 0091, 0104, 0113, 0122-0124, 0252, and 0277);

providing the user with the list of permissible transmission modes for the selected media content choice (figures 3A-3G, and paragraphs 0058, 0062-0077, 0091, 0104, 0113, 0122-0124, 0252, and 0277);

receiving into the wireless handset the selected media content choice at a selected transmission mode, the selected transmission mode having been selected by the user from the list of permissible transmission modes (figures 3A-3G, and paragraphs 0058, 0062-0077, 0091, 0104, 0113, 0122-0124, 0252, and 0277).

But, Mosher does not specifically disclose providing a user of the wireless handset with a list of media content choices, wherein the list of permissible transmission modes is tailored to the presentation capabilities of the wireless handset; and the



selected media content choice having been selected by the user from the list of media content choices. However, Gourraud teaches providing a user of the wireless handset with a list of media content choices (figs. 4 and 7 see [0038]-[0044]), wherein the list of permissible transmission modes is tailored to the presentation capabilities of the wireless handset ("viewed or listened" see [0032] and [0038]); and the selected media content choice having been selected by the user from the list of media content choices (figs. 4 and 7 see [0038]-[0044]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Mosher as taught by Gourraud because "the end-user always downloads selected programs from the content provider through the service provider" and "for the provision of various types of multimedia content to the end-user. It would be also practical to have a network model that avoids the occurrence of bandwidth bottlenecks at the level of any node of the network, including at the level of the service provider. Furthermore, it would be convenient to provide the end-user with increased flexibility for accessing and viewing, or listening to, the selected programs" see [0004]-[0011]).

II) Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mosher in view of Gourraud and further in view of Iida (US-6,952,279, previously cited).

Consider claim 24, and as applied to claim 22 above, Mosher further discloses wherein determining a list of permissible transmission modes for a selected media content choice comprises: identifying a full set of transmission modes (figures 3A-3G, and paragraphs 0058, 0062-0077, 0091, 0104, 0113, 0122-0124, 0252, and 0277). But,

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Mosher and Gourraud do not specifically disclose removing from the full set of transmission modes any transmission mode that is not supported by the wireless handset. However in analogous art, lida teaches removing from the full set of transmission modes any transmission mode that is not supported by the wireless handset; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Mosher and Gourraud as taught by lida in order to reflect "the user entered data in the HTML file of reception list corresponding to the operation content, the user is able to modify the reception list in homepage format provided from WWW server section 12" (col. 12, lines 1-22).

III) Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mosher in view of Gourraud and further in view of Oishi (US-6,779,195, previously cited).

Consider claim 25, and as applied to claim 22 above, Mosher further discloses wherein determining a list of permissible transmission modes for a selected media content choice comprises: identifying a full set of transmission modes (figures 3A-3G, and paragraphs 0058, 0062-0077, 0091, 0104, 0113, 0122-0124, 0252, and 0277). But, Mosher and Gourraud do not specifically disclose removing from the full set of transmission modes any transmission mode that is unnecessary for the media type of the selected media content choice. However in analogous art, Oishi teaches removing from the full set of transmission modes any transmission mode that is unnecessary for the media type of the selected media content choice (see col. 1, lines 7-25); therefore, it

would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Mosher and Gourraud as taught by Oishi in order for "preventing confusion of viewers by displaying no program guide information in relation to the program information not existing in the NIT among those detected from the digital broadcast data" (see col. 1, lines 7-25).

### ***Conclusion***

**4. THIS ACTION IS MADE FINAL.**

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

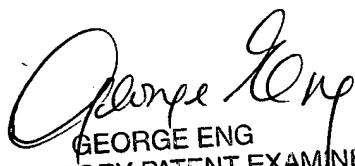
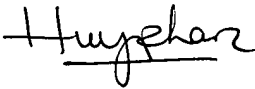
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

**5.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy Q Phan whose telephone number is 571-272-7924. The examiner can normally be reached on 8AM-6PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
GEORGE ENG  
SUPERVISORY PATENT EXAMINER

Examiner: Phan, Huy Q.

AU: 2617

Date: 02/23/2007